GOVERNMENT OF INDIA
POWER
LOK SABHA

UNSTARRED QUESTION NO:2333
ANSWERED ON:06.03.2003
PURVIEW OF KURDUKAR COMMISSION
JAI PRAKASH

Will the Minister of POWER be pleased to state:

(a) whether the Government of Maharashtra have consulted the Union Governmentwhile deciding the purview of Kurdukar Commission looking into the failure of Dabhol Power Project;

(b) if not, whether the Union Government have given any suggestion to State Government in this regard;

(c) if so, the details thereof; and

(d) the reaction of the Government of Maharashtra thereto?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRIMATI JAYAWANTI MEHTA)

(a) : No, Sir.

(b) & (c) : Ministry of Power, Government of India has addressed a communicationto the Government of Maharashtra (GOM) advising them that appointment of the Commission of Inquiry by the Government of Maharashtra to the extent that it purports toempower the Commission to make an inquiry, inter-alia, into the validity of various agreements, statutory clearances/concurrences, etc. (which would include statutory clearances given by Central Government Agencies), and failure of governance, is beyond the power and competence of the State Government. It has been pointed out to the GOMthat where the Central Government, has, in exercise of various statutory/executive powers conferred by various laws regarding electricity, environment, etc. given certain clearances/approvals, State Governments cannot exercise any executive power regarding such statutory clearances/approvals. GOM were accordingly requested to delete the relevant provisions relating to the Central Government from the Terms of Reference ofthe Commission as contained in their notification dated 7.11.2001. Pending amendment of the notification, GOM were requested to ask the Commission of Inquiry to defer itsongoing proceedings/hearings. It was also mentioned in the said communication that Government of Maharashtra should have consulted the Government of India before drafting the Terms of Reference.

(d) : In response, GOM have conveyed that they are examining the issues raised by Government of India and that in the meanwhile, the Commission of Inquiry has deferred its ongoing hearings till 13.3.2003.